

1490 . p . 98 .

THE
S P E E C H

OF THE
RIGHT HONOURABLE
LORD MANSFIELD

MURRAY (William) Earl of
Mansfield

IN THE
HOUSE OF LORDS,
IN THE
CAUSE between the City of London and the
DISSENTERS.


B E L F A S T :

Printed by DANIEL BLOW, in BRIDGE-STREET;

M,DCC,LXXIV.

Mc





ADVERTISEMENT.

IT is proper the reader should be apprized, previous to the perusal of the following argument and speech, that in the year 1748, the Corporation of London made a by-law, with a view, as they alledged, of procuring fit and able persons to serve the office of sheriff of the said Corporation; imposing for that end a fine of four hundred pounds and twenty marks upon every person who, being nominated by the Lord Mayor, declined standing the election of the Common-hall; and six hundred pounds upon every one who, being elected by the Common-hall, refused to serve the office. Which fines they appropriated to defraying the expence of building the Mansion-house.

Many Dissenters were nominated and elected to the said office, who were incapable of serving; it having been enacted by the Corporation-act (13 Car. II. stat. 2. c. 1.) that no person should be elected into any Corporation-offices, who had not taken the sacrament

iv A D V E R T I S E M E N T.

in the church of England within a year preceding the time of such election; and several of them, accordingly, paid their fines, to the amount of above fifteen thousand pounds. Some at length refused to pay their fines, apprehending they could not be obliged, by law, to fine for not serving an office to which they were, by law, ineligible. The city, therefore, brought actions of debt against them in a court of their own, called the Sheriff's Court, for the recovery of those fines. After many delays the cause came to a hearing in the case of Allen Evans, Esq; and judgment was given for the Plaintiff in September 1757. The Defendant Evans brought the cause before the Court of Hustings, another city-court, to which an appeal lay; and the judgment was there affirmed by the Recorder in the year 1759. The Defendant then, by writ of error brought the cause before the Court of Judges Delegates, called the Court of St. Martin's: the delegates were Lord Chief Justice Willes, Lord Chief Baron Parker, Mr. Justice Foster, Mr. Justice Bathurst, and Mr. Justice Wilmot. Lord Chief Justice Willes dying before judgment given, the rest of the delegates delivered their opinions *seriatim*, July 5, 1762, and unanimously reversed the judgment

ADVERTISEMENT. v

judgment of the Sheriff's Court and Court of Hustings. The Corporation then by writ of error brought the cause before the House of Lords, when all the judges, who had not sat as delegates, except Mr. Justice Yates who was ill, gave their opinions seriatim, Feb. 3d and 4th, 1767, upon a question put to them by the House. After which Lord Mansfield in his place as a peer, made the justly-admired speech, which is here published; concluding it with moving, that the judgment be affirmed; which was done immediately without any debate, or a dissentient voice.

This was a cause of great expectation; it was interesting to the Dissenters not only in London, but in every corporation in the kingdom; since they might, any of them, follow the steps of the city of London; make a by-law to fine those who refused to serve Corporation-offices, under pretence of procuring fit and able persons; and then choose Dissenters who had not taken the sacrament at church within a year preceding the time of such election, to any number they thought proper; who, provided the city of London had succeeded in this leading cause, would have had the alternative, of subjecting themselves to a
prose-

vi ADVERTISEMENT.

prosecution, and to heavy penalties, if they served the office under the incapacity incurred by the Corporation-act; or of paying their fines, to any amount the Corporation should think fit to impose *.

In the following speech the principles of Religious Liberty, the right of all peaceable and loyal subjects, Dissenters from the Established Church, to a Toleration, the iniquity of persecution, and particular of the by-law of the city of London, in direct opposition to the act of Toleration, subjecting Protestant Dissenters who refused serving the office of Sheriff to a heavy fine, are set forth in a clear and masterly manner, with all that nervous strength and force of eloquence which in a peculiar manner distinguishes the great lawyer who spoke it. This speech therefore, delivered on so important an occasion, and before such an August Assembly, well merits the attentive perusal of every candid and impartial reader, who wishes well to the cause of Liberty, to the Protestant Dissenting interest, and to the rights of mankind.

* Furneaux's Letters to Mr. Justice Blackstone,





*Lord MANSFIELD's Speech in the House of
Lords, in the Case of the Chamberlain of
London against ALLEN EVANS, Esq;*

MY LORDS,

§ I made the motion for taking
A the opinion of the learned Judges,
and proposed the question your
Lordships have been pleased to
put to them; it may be expected, that I
should make some further motion, in conse-
quence of the opinions they have delivered.

In moving for the opinion of the Judges,
I had two views: The first was, that the
House might have the benefit of their assist-
ance, in forming a right judgment in this
cause now before us, upon this writ of error:
The next was, that, the question being ful-
ly discussed, the grounds of our judgment,
together with their exceptions, limitations,
and restrictions, might be clearly and certain-
ly known; as a rule to be followed hereafter,
in all future cases of the like nature: And
this determined me as to the manner of
wording the question, "How far the De-
fendant might, in the present case, be al-
lowed to plead his disability in bar of the
action brought against him?"

The

The question, thus worded, shews the point upon which your Lordships thought this cause turned; and the answer necessarily fixes a criterion, under what circumstances and by what persons such a disability may be pleaded, as an exemption from the penalty inflicted by this by-law, upon those who decline taking upon them the office of Sheriff.

In every view in which I have been able to consider this matter, I think this action cannot be supported.

If they rely on the Corporation-act; by the literal and express provision of that act no person can be elected, who hath not within a year taken the sacrament in the Church of England; the Defendant hath not taken the sacrament within a year: he is not therefore elected. Here they fail.

If they ground it on the general design of the legislature in passing the Corporation-act; the design was to exclude Dissenters from office, and disable them from serving. For in those times, when a spirit of intolerance prevailed, and severe measures were pursued, the Dissenters were reputed and treated as persons ill-affected and dangerous to the Government: The Defendant therefore, a Dissenter, and in the eye of this law a person dangerous and ill-affected, is excluded from office, and disabled from serving. Here they fail.

If they ground the action on their own by-law



law ; since that by-law was professedly made to procure fit and able persons to serve the office, and the Defendant is not fit and able ; being expressly disabled by Statute-law ; here too they fail.

If they ground it on his disability being owing to a neglect of taking the sacrament at church, when he ought to have done it ; the Toleration-act having freed the Dissenters from all obligation to take the sacrament at church, the Defendant is guilty of no neglect, no criminal neglect. Here therefore they fail.

These points, my Lords, will appear clear and plain.

The Corporation-act, pleaded by the Defendant as rendering him ineligible to this office, and incapable of taking it upon him, was most certainly intended by the legislature to prohibit the persons therein described being elected to any corporation-offices, and to disable them from taking such offices upon them. The act had two parts : First it appointed a commission for turning out all that were at that time in office, who would not comply with what was required as the condition of their continuance therein, and even gave a power to turn them out though they should comply ; and then it further enacted, that from the termination of that commission no person hereafter who had not taken the sacrament according to the rites of the Church of England within one year preceding the time of such election, should be placed, chosen, or

B elected,

electd, into any office of or belonging to the government of any corporation: And this was done, as it was expressly declared in the preamble to the act, in order to perpetuate the succession in corporations in the hands of persons well-affected to the government in church and state.

It was not their design, as hath been said*,
“to bring such persons into corporations by
“inducing them to take the sacrament in the
“Church of England;” the legislature did not mean to tempt persons who were ill-affected to the government, occasionally to conform: It was not, I say, their design to bring them in; they could not trust them, lest they should use the power of their offices to distress and annoy the state. And the reason is alledged in the act itself: it was because there were “evil spirits” amongst them; and they were afraid of evil spirits; and determined to keep them out: And therefore they put it out of the power of electors to choose such persons, and out of their power to serve; and accordingly prescribed a mark or character, laid down a description whereby they should be known and distinguished by their conduct previous to such election; instead of appointing a condition of their serving the office, resulting from their future conduct, or some consequent action to be performed by them: they declared such persons incapable of being chosen, as had not taken the sacrament in the church

* By Mr. Baron Perrott.

church within a year before such election; and without this mark of their affection to the church, they could not be in office, and there could be no election.

But as the law then stood, no man could have pleaded this disability, resulting from the Corporation-act, in bar of such an action as is now brought against the Defendant; because this disability was owing to what was then in the eye of the law a crime; every man being required by the canon-law, received and confirmed by statute-law, to take the sacrament in the church at least once a year: The law would not permit a man to say, that he had not taken the sacrament in the Church of England; and he could not be allowed to plead it in bar of any action brought against him.

But the case is quite altered since the act of Toleration: It is now no crime for a man, who is within the description of that Act, to say he is a Dissenter; nor is it any crime for him not to take the sacrament according to the rites of the Church of England: Nay, the crime is, if he does it contrary to the dictates of his conscience.

If it is a crime not to take the sacrament at church, it must be a crime by some Law; which must be either Common or Statute-law, the Canon-law enforcing it depending wholly upon the Statute-law. Now the Statute-law is repealed as to persons capable of pleading that they are so and so qualified; and therefore the Canon-law is repealed with regard to

those persons. If it is a crime by Common-law, it must be so either by Usage or Principle. There is no usage or custom, independent of positive law, which makes Nonconformity a crime. The eternal principles of Natural Religion are part of the Common-law; The essential principles of Revealed Religion are part of the Common-law; so that any person reviling, subverting, or ridiculing them, may be prosecuted at Common-law. But it cannot be shewn from the principles of Natural or Revealed Religion, that, independent of positive law, temporal punishments ought to be inflicted for mere opinions with respect to particular modes of worship.

Persecution for a sincere, though erroneous conscience, is not to be deduced from reason or the fitness of things; it can only stand upon positive law,

It hath been said *, that " the Toleration-act only amounts to an exemption of Protestant Dissenters from the penalties of certain laws therein particularly mentioned, and to nothing more; that if it had been intended to bear, and to have any operation upon the Corporation-act, the Corporation-act ought to have been mentioned therein; and there ought to have been some enacting clause, exempting Dissenters from prosecution in consequence of this act, and enabling them to plead their not having received the sacrament according to the rites

* Mr. Baron Perrott.

“rites of the Church of England, in bar of
“such Action.” But this is much too limited and narrow a conception of the Toleration-act: which amounts consequentially to a great deal more than this; and it hath consequentially an influence and operation upon the Corporation-act in particular. The Toleration-act renders that which was illegal before, now legal; the Dissenters way of worship is permitted and allowed by this Act; it is not only exempted from punishment, but rendered innocent and lawful; it is ESTABLISHED: it is put under the protection, and is not merely under the connivance, of the law. In case those who are appointed by law to register Dissenting places of worship, refuse on any pretence to do it, we must, upon application, send a Mandamus to compel them.

Now there cannot be a plainer position, than that the Law protects nothing, in that very respect in which it is in the eye of the law, at the same time, a crime. Dissenters, within the description of the Toleration-act, are restored TO A LEGAL CONSIDERATION AND CAPACITY; and an hundred consequences will from thence follow, which are not mentioned in the Act. For instance, previous to the Toleration-act, it was unlawful to devise any legacy for the support of Dissenting Congregations, or for the benefit of Dissenting Ministers; for the Law knew no such assemblies, and no such persons; and such a devise was absolutely void, being left to what the law called superstitious purposes.

But

But will it be said in any Court in England, that such a devise is not a good and valid one now? And yet there is nothing said of this in the Toleration-act. By that Act the Dissenters are freed, not only from the pains and penalties of the Laws therein particularly specified, but from all ecclesiastical censures, and from all penalty and punishment whatsoever on account of their Nonconformity; which is allowed and protected by this act, and is therefore in the eye of the law no longer a crime. Now if the Defendant may say he is a Dissenter; if the Law doth not stop his mouth; if he may declare, that he hath not taken the sacrament according to the rites of the Church of England without being considered as criminal; if, I say, his mouth is not stopped by the Law, he may then plead his not having taken the sacrament according to the rites of the Church of England, in bar of this action. It is such a disability as doth not leave him liable to any action, or to any penalty or punishment whatsoever.

It is indeed said* to be "a maxim in law," "That a man shall not be allowed to disable himself." But when this maxim is applied to the present case, it is laid down in too large a sense; I say, when it is extended to comprehend a legal disability, it is taken in too great a latitude. What! shall not a man be allowed to plead, that he is not fit and able? These words

* Mr. Baron Perrott.

words are inserted in the By-Law, as the ground of making it; and in the Plaintiff's declaration, as the ground of his action against the Defendant: it is alledged, that the Defendant was fit and able, and that he refused to serve not having a reasonable excuse. It is certain, and it is hereby in effect admitted, that if he is not fit and able, and that if he hath a reasonable excuse, he may plead it in bar of this action. Surely he might plead, that he was not worth fifteen thousand pounds, provided that was really the case, as a circumstance that would render him not fit and able. And if the law allows him to say, that he hath not taken the sacrament according to the rites of the Church of England, being within the description of the Toleration-act; he may plead that likewise, to shew that he is not fit and able: It is a reasonable, it is a lawful excuse.

My Lords, the meaning of this maxim, "That a man shall not disable himself," is solely this, That a man shall not disable himself by his own wilful crime: And such a disability the law will not allow him to plead. If a man contracts to sell an estate to any person upon certain terms at such a time, and in the mean time he sells it to another; he shall not be allowed to say, Sir, I cannot fulfill my contract; it is out of my power; I have sold my estate to another. Such a plea would be no bar to an action, because the act of his selling it to another is the very breach of contract. So likewise a man, who hath promised marriage to one lady, and afterwards

terwards marries another, cannot plead in bar of a prosecution from the first lady, that he is already married; because his marrying the second lady is the very breach of promise to the first. A man shall not be allowed to plead, that he was drunk, in bar of a criminal prosecution, though perhaps he was at the time as incapable of the exercise of reason as if he had been insane; because his drunkenness was itself a crime: he shall not be allowed to excuse one crime by another. The Roman soldier, who cut off his thumbs, was not suffered to plead his disability for the service, to procure his dismissal with impunity; because his incapacity was designedly brought on him by his own wilful fault. And I am glad to observe so good an agreement among the judges upon this point, who have stated it with great precision and clearness.

When it was said * therefore, That "a man cannot plead his crime, in excuse for not doing what he is by law required to do;" it only amounts to this, That he cannot plead in excuse what, when pleaded, is no excuse: but there is not in this the shadow of an objection to his pleading what is an excuse, pleading a legal disqualification. If he is nominated to be a Justice of the Peace, he may say, I cannot be a Justice of Peace, for I have not an hundred pounds a year. In like manner a Dissenter may plead, I have not qualified, and I cannot qualify, and am not obliged

* Mr. Baron Perrott.

ed to qualify; and you have no right to fine me for not serving.

It hath been said*, That "the King hath a right to the service of all his subjects." And this assertion is very true, provided it be properly qualified. For surely, against the operation of this general right in particular cases, a man may plead a Natural or Civil disability. May not a man plead, that he was upon the high-seas? May not idiocy or lunacy be pleaded? which are Natural disabilities: Or a judgment of a court of law? and much more, a judgment of Parliament? which are Civil disabilities.

It hath been said† to be "a maxim, that no man can plead his being a lunatic, to avoid a deed executed, or excuse an act done, at that time; because," it is said, "if he was a lunatic, he could not remember any action he did during the period of his insanity." And this was doctrine formerly laid down by some Judges; but I am glad to find, that of late it hath been generally exploded; for the reason assigned for it is, in my opinion, wholly insufficient to support it; because, though he could not remember what passed during his insanity, yet he might justly say, If he ever executed such a deed, or did such an action, it must have been during his confinement or lunacy; for he did not do it either before or since that time.

As to the case, in which a man's plea of insanity

C

* Mr. Baron Perrött.

† Mr. Baron Perrot.

sanity was actually set aside ; it was nothing more than this : It was when they pleaded *ore tenus* ; the man pleaded, that he was at the time out of his senses. It was replied, How do you know that you was out of your senses ? No man that is so, knows himself to be so. And accordingly his plea was upon this quibble set aside ; not because it was not a valid one, if he was out of his senses ; but because they concluded, he was not out of his senses. If he had alledged, that he was at that time confined, being apprehended to be out of his senses ; no advantage could have been taken of his manner of expressing himself ; and his plea must have been allowed to be good.

As to Larwood's case ; he was not allowed the benefit of the Toleration-act, because he did not plead it. If he had insisted on his right to the benefit of it in his plea, the judgment must have been different. His inserting it in his replication was not allowed, not because it was not an allegation that would have excused him, if it had been originally taken notice of in his plea ; but because its being only mentioned afterwards was a departure from his plea.

In the case of the Mayor of Guildford, the Toleration-act was pleaded, the plea was allowed good, the disability being esteemed a lawful one ; and the judgment was right.

And here the Defendant hath likewise insisted on his right to the benefit of the Toleration-act in his plea ; he saith he is *bonâ fide* a Dissenter, within the description of the Toleration-

ty), if France had continued to cherish the Jesuits, and to persecute the Huguenots. There was no occasion to revoke the edict of Nants; the Jesuits needed only to have advised a plan similar to what is contended for, in the present case: Make a law to render them incapable of office; make another, to punish them for not serving. If they accept, punish them (for it is admitted on all hands, that the Defendant in the cause before your Lordships is prosecutable for taking the office upon him): If they accept, punish them; if they refuse, punish them; if they say, yes, punish them; if they say, no, punish them. My Lords, this is a most exquisite dilemma, from which there is no escaping; it is a trap a man cannot get out of; it is as bad persecution as that of Procrustes: If they are too short, stretch them; if they are too long, lop them. Small would have been their consolation to have been gravely told, The Edict of Nants is kept inviolable; you have the full benefit of that Act of Toleration, you may take the sacrament in your own way with impunity; you are not compelled to go to Mass. Was this case but told in the City of London as of a proceeding in France, how would they exclaim against the jesuitical distinction! and yet in truth it comes from themselves: the Jesuits never thought of it: when they meant to persecute, their Act of Toleration, the Edict of Nants, was repealed.

This By-law, by which the Dissenters are to be reduced to this wretched dilemma, is a By-law of the City, a local corporation, contrary
to

to an Act of Parliament, which is the law of the land; a modern By-law, of very modern date, made long since the Corporation-act, long since the Toleration-act, in the face of them: for they knew these laws were in being. It was made in some year of the reign of the late king: I forget which; but it was made about the time of *building the Mansion-house*. Now if it could be supposed, the City have a power of making such a By-law; it would entirely subvert the Toleration-act, the design of which was to exempt the Dissenters from all penalties; for by such a By-law they have it in their power to make every Dissenter pay a fine of six hundred pounds, or any sum they please; for it amounts to that.

The professed design of making this By-law, was to get fit and able persons to serve the office: and the Plaintiff sets forth in his declaration, that if the Dissenters are excluded, they shall want fit and able persons to serve the office. But were I to deliver my own suspicion, it would be, that they did not so much wish for their services, as for their fines. Dissenters have been appointed to this office, one who was blind, another who was bedridden; not, I suppose, on account of their being fit and able to serve the office. No; they were disabled both by Nature and by Law.

We had a Case lately in the Courts below, of a person chosen Mayor of a Corporation, while he was beyond the seas, with his Majesty's troops in America; and they knew him
to

leration-act; that he hath taken the oaths and subscribed the declaration required by that Act to shew that he is not a Popish Recusant; that he hath never received the sacrament according to the rites of the Church of England, and that he cannot in conscience do it; and that for more than fifty years past he hath not been present at Church at the celebration of the established worship; but hath constantly received the sacrament, and attended divine service, among the Protestant Dissenters. And these facts are not denied by the Plaintiff: though they might easily have been traversed, and it was incumbent upon them to have done it, if they had not known they should certainly fail in it. There can be no doubt therefore that the Defendant is a Dissenter, an honest conscientious Dissenter; and no conscientious Dissenter can take the sacrament at church; the Defendant saith he cannot do it, and he is not obliged to do it. And as this is the case, as the Law allows him to say this, as it hath not stopped his mouth; the plea which he makes is a lawful plea, his disability being through no crime or fault of his own; I say, he is disabled by Act of Parliament, without the concurrence or intervention of any fault or crime of his own; and therefore he may plead this disability in bar of the present action.

The case of "Atheists and infidels" * is out of the present question; they come not with-

C 2

in

* Objected by Mr. Baron Perrott.

in the description of the Toleration-act. And this is the sole point to be enquired into, in all cases of the like nature with that of the Defendant, who here pleads the Toleration-act; Is the man bona fide a Dissenter within the description of that Act? If not, he cannot plead his disability in consequence of his not having taken the sacrament in the Church of England: if he is, he may lawfully and with effect plead it, in bar of such an action. And the question, on which this distinction is grounded, must be tried by a jury.

It hath been said *, that "this being a matter between God and a man's own conscience, it cannot come under the cognizance of a jury." But certainly it may: and, though God alone is the absolute judge of a man's religious profession, and of his conscience; yet there are some marks even of sincerity; among which there is none more certain than consistency. Surely a man's sincerity may be judged of by overt-acts: It is a just and excellent maxim, which will hold good in this as in all other cases, "By their fruits ye shall know them." Do they---I do not say go to Meeting now and then---but do they frequent the Meeting-house? Do they join generally and stately, in divine worship with dissenting congregations? Whether they do or not, may be ascertained by their neighbours, and by those who frequent the same places of worship. In case a man hath
occasion,

* Mr. Baron Perrott.

occasionally conformed for the sake of places of trust, and profit; in that case I imagine, a jury would not hesitate in their verdict. If a man then alledges he is a Dissenter, and claims the protection and the advantages of the Toleration-act; a jury may justly find, that he is not a Dissenter within the description of the Toleration-act, so far as to render his disability a lawful one: If he takes the sacrament for his interest, the jury may fairly conclude, that his scruple of conscience is a false pretence when set up to avoid a burthen.

The Defendant in the present cause pleads, that he is a Dissenter within the description of the Toleration-act; that he hath not taken the sacrament in the Church of England within one year preceding the time of his supposed election, nor ever in his whole life; and that he cannot in conscience do it.

Conscience is not controulable by human laws, nor amenable to human tribunals. Persecution, or attempts to force conscience, will never produce conviction; and are only calculated to make hypocrites, or---martyrs.

My Lords, there never was a single instance from the Saxon times down to our own, in which a man was ever punished for erroneous opinions concerning rites or modes of worship, but upon some positive law. The common law of England, which is only common reason or usage, knows of no prosecution for mere opinions: For Atheism, Blasphemy, and reviling the Christian Religion, there
have

have been instances of persons prosecuted and punished upon the common law ; but bare Nonconformity is no sin by the common law ; and all positive laws inflicting any pains or penalties for Nonconformity to the established rites and modes, are repealed by the Act of Toleration ; and Dissenters are thereby exempted from all ecclesiastical censures.

What bloodshed and confusion have been occasioned from the reign of Henry the Fourth, when the first penal statutes were enacted, down to the Revolution in this kingdom, by laws made to force conscience. There is nothing certainly more unreasonable, more inconsistent with the rights of human nature, more contrary to the spirit and precepts of the Christian Religion, more iniquitous and unjust, more impolitic, than Persecution. It is against Natural Religion, Revealed Religion, and sound Policy.

Sad experience, and a large mind, taught that great man the President De Thou, this doctrine : let any man read the many admirable things which, though a Papist, he hath dared to advance upon the subject, in the dedication of his history to Henry the Fourth of France (which I never read without rapture); and he will be fully convinced, not only how cruel, but how impolitic, it is to persecute for religious opinions. I am sorry, that of late his countrymen have begun to open their eyes, see their error, and adopt his sentiments: I should not have broke my heart, (I hope I may say so without breach of christian charity),

to be so. Did they want him to serve the office? No; it was impossible. But they had a mind to continue the former Mayor a year longer, and to have a pretence for setting aside him who was now chosen, on all future occasions, as having been elected before.

In the cause before your Lordships, the Defendant was by law incapable at the time of his pretended election : and it is my firm persuasion, that he was chosen because he was incapable. If he had been capable, he had not been chosen ; for they did not want him to serve the office. They chose him, because without a breach of the law and an usurpation on the Crown, he could not serve the office. They chose him, that he might fall under the penalty of their By-law made to serve a particular purpose : In opposition to which, and to avoid the fine thereby imposed, he hath pleaded a legal disability grounded on two Acts of Parliament : As I am of opinion, that his plea is good, I conclude with moving your Lordships,

That the Judgment be affirmed.



The Judgment was immediately affirmed, *Nemine contradicente*; and the entry in the Journal is in the following words:

Die Mercurii 4 Februarii 1767.

It is ordered and adjudged by the Lords Spi-
ritual

5/60

01-

A-C⁴.D¹26 *Extract from the Journal of the Lords.*

ritual and Temporal in Parliament assembled;
That the Judgment given by the Commis-
sioners Delegates appointed to hear the Errors
in a Judgment given in the Sheriff's Court,
London, and affirmed by the Court of Hust-
ings, reversing the Judgment of the Sheriff's
Court and Court of Hustings, be and the same
is hereby affirmed; and that the Record be
remitted.



F I N I S.



Lately published [Price a British Sixpence.]

A CALM and plain ANSWER to the ENQUIRY,
Why are you a DISSENTER from the Church of
ENGLAND? Containing some Remarks on its Doc-
TRINE, SPIRIT, CONSTITUTION, and some of its
OFFICES and FORMS of DEVOTION. By the Author
of the Dissenting Gentleman's LETTERS to WHITE,
Being a summary View of the Arguments contained in
those Letters. *Every plant which my heavenly Father
hath not planted, shall be rooted up.* Matt. xv. 13.

" This production comes from one of the ablest Writers
" among the Dissenters, and one who hath long dis-
" tinguished himself as a zealous Champion in the Cause
" of Non-conformity. With regard to the present En-
" quiry, the least that can be said of it is, that it points
" out, with great Acuteness and Vivacity, the suppo-
" sed Deficiencies and Errours in the Doctrines, Spirit,
" Constitution, and devotional Forms and Offices of the
" Church of England." See MONTHLY REVIEW,
for November 1772.